

JOURNAL OF THE SENATE

EIGHTY-NINTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 21, 2014

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. David Hussey, followed by the Pledge of Allegiance led by Senate page Bridget Redder.

Roll Call: All members present except Sens. Curd and Krebs who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Government Operations and Audit respectfully reports that it has had
3 under consideration SB 165 and returns the same with the recommendation that said bill do
4 pass.

5 Respectfully submitted,
6 Larry Tidemann, Chair

7 Also MR. PRESIDENT:

8 The Committee on Local Government respectfully reports that it has had under
9 consideration HB 1095 and 1105 and returns the same with the recommendation that said bills
10 do pass and be placed on the consent calendar.

11 Respectfully submitted,
12 Mark Kirkeby, Chair

13 Also MR. PRESIDENT:

14 The Committee on Health and Human Services respectfully reports that it has had under
15 consideration SB 145 and returns the same with the recommendation that said bill be amended
16 as follows:

17 145ja

18 On page 2, after line 16 of the printed bill, insert:

19 "Section 6. A school administrator may waive the requirement that a student receive
20 instruction pursuant to section 2 of this Act if the student has a disability or is physically unable
21 to perform the psychomotor skills component of the required instruction."

22 145jb

23 On the printed bill, delete everything after the enacting clause and insert:

24 "Section 1. The secretary of education shall annually identify cardiopulmonary
25 resuscitation (CPR) as a recommended skill that all schools should include within school health
26 curriculum and shall inform school districts of resources and training available to assist schools
27 to provide instruction in CPR and the use of automated external defibrillators.

28 Section 2. Any training resources the secretary of education recommends pursuant to section
29 1 of this Act shall be nationally recognized, use the most current national guidelines for CPR
30 and emergency cardiovascular care, and incorporate psychomotor skills development into the
31 instruction.

1 Section 3. The secretary of education shall electronically survey school districts regarding
2 whether, and to what extent, the instruction of cardiopulmonary resuscitation and the use of
3 automated external defibrillators is offered. The survey must gather data regarding what grades,
4 for what period of time, and in connection with what course of instruction, if any, the training
5 is offered. The secretary shall submit a report of the results of this data collection to the Senate
6 and House standing committees on education and health and human services no later than
7 December 1 of each year."

8 And that as so amended said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Health and Human Services respectfully reports that it has had under
11 consideration SB 126 which was tabled.

12 Respectfully submitted,
13 Jean M. Hunhoff, Chair

14 Also MR. PRESIDENT:

15 The Committee on Transportation respectfully reports that it has had under consideration
16 SB 36 and returns the same with the recommendation that said bill be amended as follows:

17 36fa

18 On the printed bill, delete everything after the enacting clause and insert:

19 "Section 1. That § 49-16B-3 be amended to read as follows:

20 49-16B-3. There is created the South Dakota Railroad Authority, a body corporate and
21 politic, ~~to consist of seven members appointed by the Governor. No person may be appointed~~
22 ~~to the authority who is an elected official of the State of South Dakota or any subdivision~~
23 ~~thereof. The authority shall annually choose a chairperson from its membership. The governing~~
24 ~~board of the South Dakota Railroad Authority shall be comprised of the members of the South~~
25 ~~Dakota State Railroad Board, as provided by § 1-44-25.~~

26 Section 2. That § 49-16B-5 be repealed.

27 ~~— 49-16B-5. All appointments to the authority shall be made for a four-year term. Each~~
28 ~~member's term of office shall expire on the appropriate third Monday in January, but the~~
29 ~~member shall continue to hold office until a successor is appointed and qualified. Any vacancy~~
30 ~~in the authority shall be filled by appointment in the manner prescribed for appointments for full~~
31 ~~terms. A majority of the authority is required to take official action.~~

1 Section 3. That § 1-44-25 be amended to read as follows:

2 1-44-25. The South Dakota State Railroad Board consists of seven members to be appointed
3 by the Governor. Members shall serve a three-year term. No more than five members may be
4 of the same political party. No person may be appointed to the board who is an elected official
5 of the State of South Dakota or any subdivision thereof. Any member appointed to fill a vacancy
6 arising from other than the natural expiration of a term shall serve only for the unexpired term,
7 but may be reappointed to a full term. The board shall annually choose from its membership a
8 chair, a vice chair, and a secretary-treasurer. No member may be removed from office except
9 for cause.

10 The terms of members begin on October thirty-first of the calendar year. The appointee's
11 term expires on October thirtieth in the third year of appointment.

12 Any member's term ending June 30, 2013, or thereafter is extended to October thirtieth in
13 the year the term is to expire."

14 And that as so amended said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on Transportation respectfully reports that it has had under consideration
17 SB 139 which was tabled.

18 Respectfully submitted,
19 Mike Vehle, Chair

20 Also MR. PRESIDENT:

21 The Committee on Taxation respectfully reports that it has had under consideration
22 HB 1135 and returns the same with the recommendation that said bill do pass and be placed on
23 the consent calendar.

24 Also MR. PRESIDENT:

25 The Committee on Taxation respectfully reports that it has had under consideration
26 HB 1218 which was deferred to the 41st Legislative Day.

27 Respectfully submitted,
28 Ernie Otten, Chair

1 Also MR. PRESIDENT:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 SB 114 and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Appropriations respectfully reports that it has had under consideration
6 SB 28 and returns the same with the recommendation that said bill be amended as follows:

7 28ma

8 On page 1, line 4, of the printed bill, delete "three hundred fifty" and insert "one dollar
9 (\$1)".

10 On page 1, line 5, delete "thousand dollars (\$350,000)".

11 And that as so amended said bill do pass.

12 Also MR. PRESIDENT:

13 The Committee on Appropriations respectfully reports that it has had under consideration
14 SB 135 and returns the same with the recommendation that said bill be amended as follows:

15 135na

16 On page 1, line 6, of the printed bill, delete "two million dollars (\$2,000,000)" and insert
17 "one dollar (\$1)".

18 And that as so amended said bill do pass.

19 Also MR. PRESIDENT:

20 The Committee on Appropriations respectfully reports that it has had under consideration
21 SB 137 and returns the same with the recommendation that said bill be amended as follows:

22 137md

23 On page 1, between lines 3 and 4 of the printed bill, insert:

24 "Section 1. The state treasurer shall transfer six million dollars (\$6,000,000) from the
25 property tax reduction fund to the general fund.".

26 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 SB 121, 132, and 166 which were tabled.

4 Respectfully submitted,
5 Deb Peters, Chair

6 Also MR. PRESIDENT:

7 The Committee on State Affairs respectfully reports that it has had under consideration
8 SB 107, 157, and 168 and returns the same with the recommendation that said bills do pass.

9 Also MR. PRESIDENT:

10 The Committee on State Affairs respectfully reports that it has had under consideration
11 SB141 and returns the same with the recommendation that said bill be amended as follows:

12 141aa

13 On the printed bill, delete everything after the enacting clause and insert:

14 "Section 1. There is hereby appropriated from the general fund the sum of one dollar (\$1)
15 to the need-based grant fund established pursuant to § 13-55A-14.

16 Section 2. There is hereby appropriated from the general fund the sum of one dollar (\$1),
17 or so much thereof as may be necessary, to the education enhancement trust fund created
18 pursuant to S.D. Const., Art. XII, § 6 to allow the funds to be invested to fund the critical
19 teaching needs scholarship program established pursuant to § 13-55-64.

20 Section 3. The state treasurer shall approve vouchers and the state auditor shall draw
21 warrants to pay expenditures authorized by this Act.

22 Section 4. Whereas, this Act is necessary for the support of the state government and its
23 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
24 full force and effect from and after its passage and approval."

25 141ata

26 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "make an
27 appropriation to fund certain scholarship programs and to declare an emergency."

28 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 158 and returns the same with the recommendation that said bill be amended as follows:

4 158aa

5 On page 3, line 20, of the printed bill, delete "fifteen million dollars" and insert "one
6 percent of the general fund appropriations in the general appropriations act for the previous
7 fiscal year".

8 On page 3, line 22, delete "fifteen million dollars" and insert "one percent of the general
9 fund appropriations in the general appropriations act for the previous year".

10 On page 4, after line 1, insert

11 "Section 4. That chapter 4-7 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 If the combined balance in the building South Dakota fund pursuant to section 3 of this Act
14 is less than one half percent of the general fund appropriations in the general appropriations act
15 for the previous fiscal year, the commissioner shall transfer an amount of money from the
16 property tax reduction fund to the building South Dakota fund so that the total of the amount
17 deposited pursuant to this section and section 3 of this Act does not exceed one half percent of
18 the general fund appropriations in the general appropriations act for the previous fiscal year.
19 However, if the collective cash balance of the budget reserve fund and the property tax reduction
20 fund at the end of the prior fiscal year is less than ten percent of the general fund appropriations
21 from the general appropriations act for the prior year, no transfer may be made to the building
22 South Dakota fund pursuant to this section."

23 And that as so amended said bill do pass.

24 Also MR. PRESIDENT:

25 The Committee on State Affairs respectfully reports that it has had under consideration
26 SB 109 which was tabled.

27 Respectfully submitted,
28 Larry Rhoden, Chair

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1 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-ninth Legislature
2 of the State of South Dakota, that a personal copy of this resolution be duly certified and
3 furnished to each page on this last day of service.

4 Sen. Jones (Chuck) moved that Senate Page Resolution 3 be adopted.

5 The question being on Sen. Jones' (Chuck) motion that Senate Page Resolution 3 be
6 adopted.

7 And the roll being called:

8 Yeas 33, Nays 0, Excused 2, Absent 0

9 Yeas:

10 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
11 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
12 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
13 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

14 Excused:

15 Curd; Krebs

16 So the motion having received an affirmative vote of a majority of the members-elect, the
17 President declared the motion carried.

18 HCR 1007: A CONCURRENT RESOLUTION, Petitioning Congress to provide for an
19 audit of the Federal Reserve Bank.

20 Was read the second time.

21 Sen. Jensen moved that the Senate do concur in HCR 1007 as found on page 100 of the
22 House Journal.

23 Sen. Rave moved the previous question.

24 Which motion prevailed.

25 The question being on Sen. Jensen's motion that HCR 1007 be concurred in.

26 And the roll being called:

27 Yeas 14, Nays 19, Excused 2, Absent 0

28 Yeas:

29 Begalka; Ewing; Holien; Jensen; Jones (Chuck); Lederman; Maher; Monroe; Novstrup (Al);
30 Omdahl; Otten (Ernie); Rhoden; Van Gerpen; White

1 Nays:

2 Bradford; Brown; Buhl O'Donnell; Frerichs; Heineman (Phyllis); Hunhoff (Jean); Jones (Tom);
3 Kirkeby; Lucas; Peters; Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle;
4 Welke

5 Excused:

6 Curd; Krebs

7 So the motion not having received an affirmative vote of a majority of the members-elect,
8 the President declared the motion lost.

9 **CONSIDERATION OF EXECUTIVE APPOINTMENT**

10 The Senate proceeded to the consideration of the executive reappointment of Julie A.
11 Mathiesen of Meade County, Sturgis, South Dakota, to the South Dakota Board of Education.

12 The question being "Does the Senate advise and consent to the executive reappointment
13 of Julie A. Mathiesen pursuant to the executive message as found on page 282 of the Senate
14 Journal?"

15 And the roll being called:

16 Yeas 31, Nays 2, Excused 2, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
19 (Jean); Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup
20 (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton;
21 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 Nays:

23 Begalka; Jensen

24 Excused:

25 Curd; Krebs

26 So the question having received an affirmative vote of a majority of the members-elect, the
27 President declared the reappointment confirmed.

28 **CONSIDERATION OF REPORTS OF COMMITTEES**

29 Sen. Rave moved that the reports of the Standing Committees on

30 Appropriations on SB 9 as found on page 376 of the Senate Journal; also

- 1 Appropriations on SB 94 as found on page 377 of the Senate Journal; also
2 Appropriations on SB 184 as found on page 377 of the Senate Journal; also
3 Appropriations on SB 185 as found on page 377 of the Senate Journal be adopted.
4 Which motion prevailed.

5 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

- 6 HB 1043: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions
7 regarding the regulation of aeronautics.

- 8 Was read the first time and referred to the Committee on Transportation.

- 9 HB 1122: FOR AN ACT ENTITLED, An Act to prohibit the collection in South Dakota
10 of civil fines arising from speeding or red light cameras in other states.

- 11 Was read the first time and referred to the Committee on Judiciary.

- 12 HB 1150: FOR AN ACT ENTITLED, An Act to require that the pledge of allegiance to
13 the flag of the United States be recited at the start of each school day in every public school
14 classroom.

- 15 Was read the first time and referred to the Committee on Education.

- 16 HB 1229: FOR AN ACT ENTITLED, An Act to provide for the reporting of certain
17 person's names to the National Instant Criminal Background Check System.

- 18 Was read the first time and referred to the Committee on Judiciary.

19 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

- 20 The Senate proceeded to the consideration of the executive appointment of Kurt E. Solay
21 of Pennington County, Rapid City, South Dakota, to the SD Ellsworth Development Authority.

- 22 The question being "Does the Senate advise and consent to the executive appointment of
23 Kurt E. Solay pursuant to the executive message as found on page 106 of the Senate Journal?"

- 24 And the roll being called:

1 Yeas 33, Nays 0, Excused 2, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
4 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
5 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
6 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Excused:

8 Curd; Krebs

9 So the question having received an affirmative vote of a majority of the members-elect, the
10 President declared the appointment confirmed.

11 The Senate proceeded to the consideration of the executive appointment of David R. Emery
12 of Pennington County, Rapid City, South Dakota, to the SD Ellsworth Development Authority.

13 The question being "Does the Senate advise and consent to the executive appointment of
14 David R. Emery pursuant to the executive message as found on page 122 of the Senate
15 Journal?"

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
20 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
21 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
22 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 Excused:

24 Curd; Krebs

25 So the question having received an affirmative vote of a majority of the members-elect, the
26 President declared the appointment confirmed.

27 The Senate proceeded to the consideration of the executive appointment of Steven J.
28 Zellmer of Pennington County, Rapid City, South Dakota, to the SD Building Authority.

29 The question being "Does the Senate advise and consent to the executive appointment of
30 Steven J. Zellmer pursuant to the executive message as found on page 252 of the Senate
31 Journal?"

32 And the roll being called:

1 Yeas 33, Nays 0, Excused 2, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
4 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
5 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
6 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Excused:

8 Curd; Krebs

9 So the question having received an affirmative vote of a majority of the members-elect, the
10 President declared the appointment confirmed.

11 **SECOND READING OF CONSENT CALENDAR ITEMS**

12 SB 118: FOR AN ACT ENTITLED, An Act to revise certain criminal penalties for
13 intentional damage to private property.

14 Was read the second time.

15 The question being "Shall SB 118 pass?"

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
20 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
21 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
22 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 Excused:

24 Curd; Krebs

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 HB 1021: FOR AN ACT ENTITLED, An Act to provide for judicial review of Board of
28 Regents decisions involving student discipline and residency classification.

29 Was read the second time.

30 The question being "Shall HB 1021 pass?"

1 And the roll being called:

2 Yeas 33, Nays 0, Excused 2, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
5 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
6 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
7 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Curd; Krebs

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1052: FOR AN ACT ENTITLED, An Act to authorize additional disclosure regarding
13 certain insurance investigations and examinations.

14 Was read the second time.

15 The question being "Shall HB 1052 pass?"

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
20 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
21 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
22 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 Excused:

24 Curd; Krebs

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 HB 1082: FOR AN ACT ENTITLED, An Act to revise the conditions causing the
28 suspension of a probationer's probationary period.

29 Was read the second time.

30 The question being "Shall HB 1082 pass?"

1 And the roll being called:

2 Yeas 33, Nays 0, Excused 2, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
5 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
6 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
7 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Curd; Krebs

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1031: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
13 definition of and the diagnosing of autism and to revise the definition of a level five disability
14 for purposes of state aid for special education funding.

15 Was read the second time.

16 The question being "Shall HB 1031 pass?"

17 And the roll being called:

18 Yeas 33, Nays 0, Excused 2, Absent 0

19 Yeas:

20 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
21 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
22 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
23 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

24 Excused:

25 Curd; Krebs

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1130: FOR AN ACT ENTITLED, An Act to authorize the use of crossbows for
29 hunting big game animals during the firearm season.

30 Was read the second time.

31 The question being "Shall HB 1130 pass?"

1 And the roll being called:

2 Yeas 33, Nays 0, Excused 2, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
5 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
6 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
7 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Curd; Krebs

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1107: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
13 provisions regarding restraint of trade.

14 Was read the second time.

15 The question being "Shall HB 1107 pass?"

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
20 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
21 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
22 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 Excused:

24 Curd; Krebs

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 HB 1131: FOR AN ACT ENTITLED, An Act to clarify that a credit card is not required
28 to establish a revolving credit account.

29 Was read the second time.

30 The question being "Shall HB 1131 pass?"

1 And the roll being called:

2 Yeas 33, Nays 0, Excused 2, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
5 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
6 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
7 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Curd; Krebs

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

13 Sen. Rave moved that SB 116 and 176 be deferred to Monday, February 24, the 25th
14 legislative day.

15 Which motion prevailed.

16 SB 170: FOR AN ACT ENTITLED, An Act to revise the structure for compensating
17 surface owners for losses due to mineral development.

18 Was read the second time.

19 170tb

20 Sen. Maher moved that SB 170 be amended as follows:

21 On page 1, line 10, of the printed bill, remove the overstrikes from "~~given to~~".

22 On page 1, line 10, delete "made on an annual basis for".

23 On page 1, line 12, before "." insert "or by a single sum payment".

24 Which motion prevailed.

25 The question being "Shall SB 170 pass as amended?"

26 And the roll being called:

1 Yeas 15, Nays 18, Excused 2, Absent 0

2 Yeas:

3 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Jensen; Jones (Tom); Lucas; Maher;
4 Monroe; Rampelberg; Rhoden; Solano; Sutton; Welke

5 Nays:

6 Brown; Heineman (Phyllis); Holien; Hunhoff (Jean); Jones (Chuck); Kirkeby; Lederman;
7 Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rave; Soholt; Tidemann; Tieszen; Van Gerpen;
8 Vehle; White

9 Excused:

10 Curd; Krebs

11 So the bill not having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill lost.

13 Sen. Rhoden announced his intention to reconsider the vote by which SB 170 was lost.

14 Which motion prevailed.

15 SB 99: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding self-
16 funded multiple employer trusts.

17 Was read the second time.

18 The question being "Shall SB 99 pass as amended?"

19 And the roll being called:

20 Yeas 33, Nays 0, Excused 2, Absent 0

21 Yeas:

22 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
23 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
24 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
25 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

26 Excused:

27 Curd; Krebs

28 So the bill having received an affirmative vote of a majority of the members-elect, the
29 President declared the bill passed and the title was agreed to.

1 SB 179: FOR AN ACT ENTITLED, An Act to prohibit the use of certain handheld
2 electronic wireless devices for electronic messaging while driving and to allow conflicting local
3 ordinances.

4 Was read the second time.

5 179fa

6 Sen. Vehle moved that SB 179 be amended as follows:

7 On page 3, line 5, of the Senate Transportation Committee engrossed bill, after "officer"
8 insert "to establish a violation of this Act".

9 Which motion prevailed.

10 The question being "Shall SB 179 pass as amended?"

11 And the roll being called:

12 Yeas 26, Nays 7, Excused 2, Absent 0

13 Yeas:

14 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
15 (Jean); Jones (Chuck); Kirkeby; Lederman; Lucas; Monroe; Novstrup (Al); Peters; Rampelberg;
16 Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; Welke; White

17 Nays:

18 Brown; Jensen; Jones (Tom); Maher; Omdahl; Otten (Ernie); Van Gerpen

19 Excused:

20 Curd; Krebs

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 President declared the bill passed.

23 The question being on the title.

24 179fta

25 Sen. Vehle moved that the title to SB 179 be amended as follows:

26 On page 1, line 2, of the Senate Transportation Committee engrossed bill, delete everything
27 after "driving" and insert ".".

28 Which motion prevailed and the title was so amended.

1 SB 38: FOR AN ACT ENTITLED, An Act to revise the state aid to special education
2 formula.

3 Was read the second time.

4 The question being "Shall SB 38 pass?"

5 And the roll being called:

6 Yeas 33, Nays 0, Excused 2, Absent 0

7 Yeas:

8 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
9 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
10 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
11 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

12 Excused:

13 Curd; Krebs

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 President declared the bill passed and the title was agreed to.

16 SB 152: FOR AN ACT ENTITLED, An Act to make an appropriation to provide full
17 funding of the cement plant retirement plan, to consolidate the cement plant retirement plan with
18 the South Dakota Retirement System, and to declare an emergency.

19 Was read the second time.

20 The question being "Shall SB 152 pass?"

21 And the roll being called:

22 Yeas 33, Nays 0, Excused 2, Absent 0

23 Yeas:

24 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
25 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher;
26 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
27 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

28 Excused:

29 Curd; Krebs

30 So the bill having received an affirmative vote of a two-thirds majority of the members-
31 elect, the President declared the bill passed and the title was agreed to.

SB 102: FOR AN ACT ENTITLED, An Act to provide that, upon completion of certain proceedings, magistrate judges may return or dispose of property taken in as evidence.

Was read the second time.

The question being "Shall SB 102 pass?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

Yeas:

Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Excused:

Curd; Krebs

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

Sen. Rave moved that HB 1061, 1029, 1012, 1015, 1045, 1058, 1079, 1014, 1110, 1069, 1178, 1019, 1081, 1068, 1028, 1033, and 1108 be deferred to Monday, February 24, the 25th legislative day.

Which motion prevailed.

SIGNING OF BILLS

The President publicly read the title to

SB 78: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding the Commissioner of South Dakota.

SB 79: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding the federal census.

HB 1076: FOR AN ACT ENTITLED, An Act to revise certain requirements relating to party fishing.

And signed the same in the presence of the Senate.

COMMEMORATION

SC 26 Introduced by: Senators Novstrup (Al), Brown, Frerichs, and Welke and Representatives Novstrup (David), Cronin, Feickert, Greenfield, Hoffman, Kaiser, Tulson, and Wismer

A LEGISLATIVE COMMEMORATION, Honoring and commending Millicent Atkins for her boundless generosity and selfless nature.

WHEREAS, Millicent Atkins exhibited examples of hard work, generosity, and kindness of spirit throughout the entirety of her life; and

WHEREAS, upon her passing, Miss Atkins donated a third of her estate, amounting to approximately \$12.5 million, to be used within the School of Education at Northern State University; and

WHEREAS, the sincere generosity she showed by donating her trust of \$37.5 million earned her recognition on the list of the top 50 most generous donors of 2013 in *The Chronicle of Philanthropy* alongside others such as Mark Zuckerberg, Michael Bloomberg, and T. Denny Sanford;

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the State of South Dakota, that Millicent Atkins be recognized for her selflessness in her donation to Northern State University and that appreciation is extended for her kindness.

Sen. Rampelberg moved that the Senate do now adjourn, which motion prevailed and at 2:55 p.m. the Senate adjourned.

Jeannette Schipper, Secretary

